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Сборник текстов для внеаудиторного чтения
для курсантов 3го семестра

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Text 1.

The Need for Law

Law and Society

Mr. Jones, having murdered his wife, was burying her in the garden one night, when his neighbour, hearing the noise, asked him what he was doing,

“.Just burying the cat," said Mr. Jones.”

“Funny sort of time to bury a cat," said the neighbour.”

"Funny sort of a cat," said Mr. Jones.

Now it is obvious to everyone that, in a community such as the one in which we live, some kind of law is necessary to try to prevent people like Mr. Jones from killing their wives. When the world was at a very primitive stage, there was no such law, and, if a man chose to kill his wife or if a woman succeeded in killing her husband, that was their own business and no one interfere officially.

But, for a very long time now, members of every community have made laws for themselves in self-protection. Otherwise it would have meant that the stronger man could have done what he liked with the weaker, and bad men could have joined together and terrorized the whole neighbourhood.

If it were not for the law, you could not go out in broad daylight without the fear of being kidnapped, robbed or murdered. There are far, far more good people in the world than bad, but there are enough of the bad to make law necessary in the interests of everyone.

There is no difficulty in understanding this but it is just important to understand that law is not necessary just because there are bad people in the world. If we were all as good as we ought to be, laws would still be necessary. If we never told lies, never took anything that didn't belong to us, never omitted to do anything that we ought to do and never did anything that we ought not to do, we should still require a set of rules of behaviour, in other words laws, to enable us to live in any kind of satisfactory state.

How is one good man in a motor-car to pass another good man also in a motor-car coming in the opposite direction unless there is some rule of the road. People sometimes hover in front of one another when they are walking on the pavement before they can pass, and they may even collide. Not much harm is done then, but, if two good men in motor-cars going in the opposite directions hover in front of one another, not knowing which side to pass, the result will probably be that there will be two good men less in the world.

So you can see that there must be laws, however good we may be. Unfortunately, however, we are none of us always good and some, of us are bad, or at any rate have our bad moments, and so the law has to provide for all kinds of possibilities. Suppose you went to a greengrocer and bought some potatoes and found on your return home that they were mouldy or even that some of them were stones. What could you do if there were no laws on the subject? In the absence of law you could only rely upon the law of the jungle. You could go back to the shop, demand

proper potatoes and hit the shopkeeper on the nose if be refused to give them to you. You might then look round the shop to try to find some decent potatoes. While you were doing this, the shopkeeper might hit you on the back of the neck with a pound weight. Altogether not a very satisfactory morning shopping.

Or you might pay your money to go to see a film at a cinema. You might go inside, sit down and wait. When the cinema was full, there might be flashed on the screen: "You've had it. Chums". And that might be the whole of the entertainment. If there were no law, the manager could safely remain on the premises and, as you went out, smile at you and say: "Hope you've enjoyed the show, sir". That is to say, he could do this safely if he were bigger than you or had a well-armed bodyguard. Every country tries, therefore, to provide laws which will help its people to live safely and as comfortably as possible. This is not at all an easy thing to do, and no country has been successful in producing laws which are entirely satisfactory. But we are far better off with the imperfect laws which we have, than if we had none at all.

Laws of Babylon

One of the most detailed ancient legal codes was drawn up in about 175B B.C. by Hammurabi, a king of Babylonia. The entire code, consisting of 282 paragraphs, was carved into a great pillar, which was set up in a temple to the Babylonian god Marduk so that it could be read by every citizen.

The pillar, lost for centuries alter the fall of Babylon in the 16th century B.C. was rediscovered by a French archaeologist in 1901 amid the ruins of the Persian city of Susa. Hammurabi's words were still legible. The pillar is now in the Louver museum in Paris.

The laws laid down by Hammurabi were more extensive than any that had gone before: the covered crime, divorce and marriage, the rights of slave owners and slaves, the settlement of debts, inheritance and property contracts; there were even regulations about taxes and the prices of goods.

Punishments under the code were often harsh. The cruel principle of revenge was observed: an eye for an eye and a tooth for a tooth, which meant that criminals had to receive as punishment precisely those injuries and damages they had inflicted upon their victims. Not only murderers but also thieves, and false accusers faced the death penalty. And a child who hit his father could expect to lose the hand that struck the blow. The code outlawed private blood feuds and banned the tradition by which a man could kidnap and keep the woman he wanted for his bride. In addition, the new laws toot account of the circumstances of the offender as well as of the offence. So a lower-ranking citizen who lost a civil case would be fined less than an aristocrat in the same position - though he would also be awarded less if he won.

Nevertheless, Hammurabi's laws represented an advance on earlier tribal customs, because the penalty could not be harder than the crime.

The Legal Heritage of Greece and Rome

The ancient Greeks were among the first to develop a concept of law that separated everyday law from religious beliefs. Before the Greeks must civilizations attributed their laws to their gods or goddesses. Instead, the Greeks believed that laws were made by the people for the people.

In the seventh century BC, Draco drew up Greece's first written code of laws. Under Draco's code death was the punishment for most offenses. Thus, the term draconian usually applies to extremely harsh measures.

Several decades passed before Solon - poet, military hero, and ultimately Athens' lawgiver - devised a new code of laws. Trial by jury, an ancient Greek tradition was retained, but enslaving debtors was prohibited as were most of the harsh punishments of Draco's code. Under Solon's law citizens of Athens were eligible to serve in the assembly and courts were established in which they could appeal government decisions.

What the Greeks may have contributed to the Romans was the concept of 'natural law'. In essence, natural law was based on the belief that certain basic principles are above the Jaws of nation. These principle arise from the nature of people. The concept of natural law and the development of the first true legal system had a profound effect on the modern world

Criminology

(1) Criminology is a social science dealing with the nature, extent, and causes of crime; the characteristics of criminals and their organizations; the problems of apprehending and convicting offenders; the operation of prisons and other correctional institutions; the rehabilitation of convicts both in and out of prison; and the prevention of crime.

(2) The science of criminology has two basic objectives: to determine the causes, whether personal or social, of criminal behaviour and to evolve valid principles for the social control of crime. In pursuing these objectives, criminology draws on the findings of biology, psychology, psychiatry, sociology, anthropology, and related fields.

(3) Criminology originated in the late 18th century when various movements began to question the humanity and efficiency of using punishment for retribution rather than deterrence and reform. There arose as a consequence what is called the classical school of criminology, which aimed to mitigate legal penalties and humanist:

penal institutions. During the 19th century the positivist school attempted to extend scientific neutrality to the understanding of crime. Because they held that criminals were shaped by their environment, positivists emphasized case studies and rehabilitative measures. A later school, the 'social defense' movement, stressed the importance of balance between the rights of criminals and the rights of society.

(4)Criminologists commonly use several research techniques. The collection and interpretation of statistics is generally the initial step in research. The case study, often used by psychologists, concentrates on an individual or a group. The typological method involves classifying offences, criminals, or criminal areas according

to various criteria. Sociological research, which may involve many different techniques, is used in criminology to study groups, subcultures, and gangs as well as rates and kinds of crime within geographic areas.

(5)Criminology has many practical applications. Its findings can give lawyers, judges, and prison officials a better understanding of criminals, which may lead to more effective treatment. Criminological research can be used by legislators and in the reform of laws and of penal institutions.

Cesare Lombroso (1836—1909)

Professor Lombroso is a criminologist whose views, though not altogether correct, caused a lot of interest and made other people look into the problem of crime in a more scientific way. He is regarded as the father of the scientific study of criminals, or criminology.

Lombroso studied at the universities of Padua, Vienna, and Paris, and later he became a professor of psychiatry and forensic medicine, a director of a mental asylum.

In an enormous book called “The Criminal” he set out the idea that there is a definite criminal type, who can be recognized by his or her appearance. Some of what he said is difficult to believe. For example, he said that left-handed persons have a criminal instinct. Among the things he considered important were the shape of the head, colour of the hair, the eyes, the curve of the chin and forehead and if the ears stick out.

Lombrnso's theories were widely influential in Europe for a long time, but his emphasis on hereditary causes of crime was later strongly rejected in favour of environmental factors. Lombroso tried to reform the Italian penal system, and he encouraged more humane and constructive treatment of convicts through the use of work, programs intended to make them more productive members of society.

Vocabulary:

succeed in - преуспеть
self-protection – самозащита
collide – столкнуться
pillar - столб
extensive - обширный
regulations - инструкции
revenge - месть
enslave - поработить

consequence - последствие
emphasize - подчеркнуть
appearance - внешность
treatment –обращение
environmental factors – природные факторы

Text 2.

The Causes of a Crime

CRIME is an act or the commission of an act that is forbidden or the omission of a duly that is commanded by a public law and that makes the offender liable to punishment by that law.

(1) No one knows why crime occurs. The oldest theory, based on theology and ethics, is that criminals are perverse persons who deliberately commit crimes or who do so at the instigation of the devil or other evil spirits. Although this idea has been discarded by modern criminologists, it persists among uninformed people and provides the rationale for the harsh punishments still meted out to criminals in many parts of the world.

(2) Since the 18th century, various scientific theories have been advanced to explain crime. One of the first efforts to explain crime on scientific, rather than theological, grounds was made at the end of the 18th century by the German physician and anatomist Franz Joseph Gall, who tried to establish relationships between skull structure and criminal proclivities. This theory, popular during the 19lh century, is now discredited and has been abandoned. A more sophisticated theory - a biological one - was developed late in the 19th century by the Italian criminologist Cesare Lombroso who asserted that crimes were committed by persons who are born with certain recognizable hereditary physical traits. Lombruso'b theory was disproved early in the 20th century by the British criminologist Charles Goring Goring's comparative study of jailed criminals and law-abiding persons established that so-called criminal types, with innate dispositions to crime, do not exist. Recent scientific studies have tended to confirm Goring's findings. Some investigators still hold, however, that specific abnormalities of the brain and of the endocrine system contribute to a person's inclination toward criminal activity.

(3) Another approach to an explanation of crime was initiated by the French political philosopher Montesquieu, who attempted to relate criminal behaivior to natural, or physical environment.

His successors have gathered evidence tending to show that crimes against person, such as homicide, are relatively more numerous in warm climates, whereas crimes against property, such as theft are more frequent in colder regions. Other studies seem to indicate that the incidence of crime decline's in direct ratio to drops in barometric pressure, to increased humidity, and to higher temperature.

(4) Many prominent criminologists of the 19th century, particularly those associated with the Socialist movement, attributed crime mainly to the influence of poverty. They pointed out that persons who are unable to provide adequately for themselves and their families through normal legal channels are frequently driven to theft, burglary, prostitution, and other offences. The incidence of crime especially tends to rise in times of widespread unemployment. Present-day criminologists take a broader and deeper view; they place the blame for most crimes on the whole range of environmental conditions associated with poverty. The living conditions of the poor, particularly of those in slums, are characterized by overcrowding, lack of privacy, inadequate play space and recreational facilities, and poor sanitation. Such conditions engender feelings of deprivation and hopelessness and are conducive to crime as a means of escape. The feeling is encouraged by the example set by those who have escaped to what appears to be the better way of life made possible by crime.

Some theorists relate the incidence of crime to the general state of a culture, especially the impact of economic crises, wars, and revolutions and the general sense of insecurity and uprootedness to which these forces give rise. As a society becomes more unsettled and its people more restless and fearful of the Future, the crime rate tends to rise. This is particularly true of juvenile crime, as the experience of the United States since World War II has made evident.

(5) The final major group of theories are psychological and psychiatric. Studies by such 20th century investigators as the American criminological Bernard Glueck and the British psychiatrist William Healy have indicated that about one fourth of a typical convict population is psychotic, neurotic, or emotionally unstable and another one fourth is mentally deficient. Those emotional and mental conditions do not automatically make people criminals, but do, it is believed, make them more prone to criminality. Recent studies of criminals have thrown further light on the kinds of emotional disturbances that may lead lo criminal behavior.

(6) Since the mid-20th century, the notion that crime can be explained by any single theory has fallen into disfavour among investigators. Instead, experts incline to so-called multiple factor, or multiple causation theories. They reason that crime springs from a multiplicity of conflicting and converging influences - biological, psychological, cultural, economic and political. The multiple causation explanations seem more credible than the earlier, simpler theories. An understanding of the causes of crime is still elusive, however, because the interrelationship of causes is difficult to determine.

Treatment of Criminals

(1) Various correctional approaches developed in the wake of causation theories. The old theological and moralistic theories encouraged punishment as retribution by society for evil. This attitude, indeed, still exists. In the 19th century British jurist and philosopher Jeremy Bentham tried to make the punishment more precisely fit the crime. Bentham believed that pleasure could be measured against pain in all areas of human choice and conduct and that human happiness could be

attained through such hedonic calculus. He argued that criminals would be deterred from crime if they knew, specifically, the suffering they would experience if caught. Bentham therefore urged definite, inflexible penalties for each class of crime; the pain of the penalty would outweigh only slightly the pleasure of success in crime; it would exceed it sufficiently to act as a deterrent, but not so much as to amount to wanton cruelty. This so-called calculus of pleasures based on psychological postulates no longer accepted.

(2) The Benthym approach was in part superseded in the late 19th and early 20th centuries by a movement known as the neoclassical school. This school, rejecting fixed punishments proposed that sentences vary with the particular circumstance of a crime, such as the age, intellectual level, and emotional state of the offender; the motives and other conditions that may have incited to crime; and the offender's past record and chances of rehabilitation. The influence of the neoclassical school led to the development of such concepts as grades of crime and punishment, determinate sentences, and the limited responsibility of young or mentally deficient offenders.

(3) At about the same time, the so-called Italian school stressed measures for preventing crime rather than punishing. Members of that school argued that individuals are shaped by forces beyond their control and therefore cannot be held fully responsible for their crimes. They urged birth control, censorship of pornographic literature, and other actions designed to mitigate the influences contributing to crime. The Italian school has had a lasting influence on the thinking of present-day criminologists.

(4) The modern approach to the treatment of criminals owes most to psychiatric and case-study methods. Much continues to be learned from offenders who have been placed on probation or parole and whose behavior, both in and out of prison, has been studied intensively. The contemporary scientific attitude is that criminals are individual personalities and that their rehabilitation can be brought about only through individual treatment. Increased juvenile crime has aroused public concern and has stimulated study of the emotional disturbances that faster delinquency. This growing understanding of delinquency has contributed to the understanding of criminals of all ages.

(5) During recent years, crime has been under attack from many directions. The treatment and rehabilitation of criminals has improved in many areas. The emotional problems of convicts have been studied and efforts have been made to help such offenders. Much, however, remains to be done. Parole boards have engaged persons trained in psychology and social work to help convicts to be placed on parole or probation adjust to society Various states have agencies with programs of reform and rehabilitation for both adult and juvenile offenders.

Many communities have initiated concerted attacks mi the conditions that breed crime. Criminologists recognize that both adult and juvenile crime stem chiefly from the breakdown of traditional social norms and controls, resulting from

industrialization, urbanization increasing physical and social mobility, and the effects of economic crises and wars. Most criminologists believe that effective crime prevention requires community agencies and programs to provide the guidance and control performed, ideally and traditionally, by the family and by the force of social custom. Although the crime rate has not drastically diminished as a result of these efforts, it is hoped that the extension and improvement of all valid approaches. The prevention of crime eventually will reduce its incidence.

Manslaughter

In 1981 Marianne Bachmeir, from Lubeck, West Germany, was in court watching the trial of Klaus Grabowski, who had murdered her 7 year-old daughter. Grabowski had a history of attacking children. During the trial, Frau Bachmeir pulled a Beretta 22 pistol from her handbag and fired eight bullets, six of which hit Grabowski killing him. The defense said she had bought the pistol with the intention of committing suicide, but when she saw Grabowski in court she drew the pistol and pulled the trigger. She was found not guilty of murder, but was given six years imprisonment for manslaughter. West German newspapers reflected the opinion of millions of Germans that she should have been freed, calling her 'the avenging mother'.

Crime of Passion

Bernard Lewis, a thirty-six-old man, while preparing dinner became involved in an argument with his drunken wife. In a fit of a rage Lewis, using the kitchen knife with which he had been preparing the meal, stabbed and killed his wife. He immediately called for assistance, and readily confessed when the first patrolman appeared on the scene with the ambulance attendant. He pleaded guilty to manslaughter. The probation department's investigation indicated that Lewis was a rigid individual who never drank, worked regularly, and had no previous criminal record. His thirty-year-old deceased wife, and mother of three children, was a “fine girl” when sober but was frequently drunk and on a number of occasions intoxicated had left their small children unattended. After due consideration of the background of the offence and especially of the plight of the three motherless youngsters, the judge placed Lewis on probation so that he could work and take care of the children. On probation Lewis adjusted well, worked regularly, appeared to be devoted to the children, and a few years later was discharged as 'improved' from probation.

Vocabulary:

commission - комиссия(полномочия)
omission - упущение
perverse – извращенный
instigation - подстрекательство
discarded - отвергнутый
proclivity - склонность
hereditary - наследственность
physical traits – физиологические черты

inclination - склонность
approach - подход
mitigate – смягчить
contemporary - современный
disturbance - волнение
urbanization - урбанизация
ambulance attendant - дежурный санитарной машины

Text 3.

The Organisation of Police Forces

The British Police

The British police officer is a well-known figure to anyone who has visited Britain or who has seen British films. Policemen are to be seen in towns and cities keeping law and order either walking in pairs down the streets ("walking the beat") or driving specially marked police cars. Once known as 'panda cars' because of their distinctive markings, these are now often jokingly referred to as jam sandwiches' because of the pink fluorescent stripe running horizontally around the bodywork. In the past, policemen were often known as 'bobbies'. Sir Robert Peel, the founder of the police force. Nowadays, common nicknames include 'the cops', 'the fuzz', 'the pigs', and 'the Old Bill' (particularly in London). Few people realize, however, that the police in Britain are organised very differently from many other countries.

Most countries, for example, have a national police force which is controlled by central Government. Britain has no national police force, although police policy is governed by the central Government's Home Office. Instead, there is a separate police force for each of 52 areas into which the country is divided. Each has a police authority - a committee of local county councilors and magistrates.

The forces co-operate with each other, but it is unusual for members of one force to operate in another's area unless they are asked to give assistance This sometimes happens when there has been a very serious crime. A Chief Constable (the most senior police officer of a force) may sometimes ask for the assistance of London's police force, based at New Scotland Yard — known simply as 'The Yard'.

In most countries the police curry guns. In Britain, however, this is extremely unusual. Policemen do not, as a rule, carry firearms in their day-to-day work, though certain specialist units are trained to do so and can be called upon to help the regular police force in situations where firearms are involved, e.g. terrorist incidents, armed robberies etc. The only policemen who routinely carry weapons are those assigned to guard politicians and diplomats, or special officers who patrol airports.

In certain circumstances specially trained police officers can be armed, but only with the signed permission of a magistrate.

All members of the police must have gained a certain level of academic qualifications at school and undergone a period of intensive training, like in the army, there are a number of ranks after the Chief Constable comes the Assistant Chief Constable, Chief Superintendent, Chief Inspector, Inspector, Sergeant and Constable. Women make up about 10 per cent of the police force. The police are helped by a number of Special Constables — members of the public who work for the police voluntarily for a few hours a week. Each police force has its own Criminal Investigation Department (CID)- Members of CIDs are detectives, and they do not wear uniforms. (The other uniformed people you see in British towns are traffic wardens. Their job is to make sure that drivers obey the parking regulations. They have no other powers — it is the police who are responsible for controlling offences like speeding, careless driving and drunks driving).

The duties of the police arc varied, ranging from assisting at accidents to safeguarding public order and dealing with lost property. One of their main functions is, of course, apprehending criminals and would-be criminals.

Police Powers

The powers of a police officer in England and Wales to stop and search, arrest and place a person under detention are contained in the Police and Criminal Evidence Act 1984. The legislation and the code of practice set out the powers and responsibilities of office in the investigation of offences, and the rights of citizens.

An officer is liable to disciplinary proceedings if he or she fails lo comply with any provision of the codes, and evidence obtained in breach of the codes may be ruled inadmissible in court. The code must be readily available in all police stations for consultation by police officers, detained people and members of the public.

A police officer in England and Wales has the power to stop and search people and vehicles if there are reasonable grounds for suspecting that he or she will find stolen goods, offensive weapons or implement but could be used for theft, burglary or other offences. The officer must, however, state and record the grounds for taking this action and what, if anything, was found.

The Criminal Justice and Public Order Act 1994 enables a senior police officer to authorise uniformed officers to stop and search people or vehicles for offensive weapons, dangerous implements where he or she has reasonable grounds for believing that serious incidents of violence may take place. The officer must specify the time-scale and area in which the powers are to be exercised.

In England and Wales the police have wide powers to arrest people suspected of having committed an offence with or without a warrant issued by a court. For serious offences, known as 'arrestable offences', a suspect can be arrested without a warrant. Arrestable offences are those for which five or more years imprisonment can be imposed. This category also includes 'serious arrestable offences' such as murder, rape and kidnapping.

There is also a general arrest power for all other offences if it is impracticable or inappropriate send out a summons to appear in court, or if the police officer has reasonable grounds for believing that arrest is necessary to prevent the person concerned from causing injury to any other person or damage to property.

An arrested person must be taken to a police station (if he or she в not already at one) as soon as practicable after arrest. At the station, he or she will be seen by the custody officer who will consider the reasons for the arrest and whether there are sufficient grounds for the person to be detained. The Code of Practice under the 1084 Police and Criminal Evidence Act made it clear that juveniles should not be placed in the cells. Most police stations should have a detention room fur those juveniles who need to be detained. The suspect has a right to speak to an independent solicitor free of charge and to have a relative or other named person told of his or her arrest. Where a person has been arrested in connection with a serious arrestable offence, but has not yet been charged, the police may delay the exercise of these rights for up to 36 hours in the interests of the investigation if certain strict criteria are met.

A suspect may refuse to answer police questions or to give evidence in court. Changes to this so-called 'right to silence' have been made by the Criminal Justice and Public Order Act 1994 to allow courts in England and Wales to draw inferences, from a defendant's refusal lo answer police questions or to give information during his or her trial. Reflecting this change in the law, a new form of police caution (which must precede any questions to a suspect for the purpose of obtaining evidence) is intended to ensure that people understand the possible consequences if they answer questions or stay silent.

Questions relating to an offence may not normally be put to a person after he or she has been charged with that offence or informed that he or she may be prosecuted for it.

The length of time a suspect is held in police custody before charge is strictly regulated. For lesser offences this may not exceed 24 hours. A person suspected of committing a serious arrestable offence can be detained for up to 96 hours without charge bat beyond 36 hours only if a warrant is obtained from a magistrates' court.

Reviews must be made of a person's detention at regular intervals - six hours after initial detention and thereafter every nine hours as a maximum — to check whether the criteria for detention are still satisfied. If they are not, the person must be released immediately.

Interview with suspected offenders at police stations be tape-recorded when the police are investigating indictable offences and in certain other cases. The policy are not precluded from taping interviews for other types of offences. The taping of interviews is regulated by a code of practice approved by Parliament, and the suspect is entitled to a copy of the tape.

A person who thinks that the grounds fur detention are unlawful may apply to the High Court in England and Wales for a writ of Habeas Corpus against the person who detained him or her, requiring that person to appear before the court to justify the detention. Habeas Corpus proceedings take precedence over

others. Similar procedures apply in Northern Ireland and similar remedy is available to anyone who is unlawfully detained in Scotland.

Recognising that the use of DNA analysis his become a powerful tool in the investigation of crime, the Government has extended police powers to take body samples from suspects. The Criminal Justice and Public Order Act 1994 allows the police to take non-intimate samples without consent from anyone who is detained or convicted for a recordable offence, and to use the samples to dearth against existing records of convicted offenders or unsolved crimes. In time a national database will be built up.

Once there is sufficient evidence, the police have to decide whether a detained person should be charged with the offence. If there is insufficient evidence to charge, the person may be released on bail pending further enquiries by the police. The police may decide to take no further action in respect of a particular offence and to release the person. Alternatively, they may decide to issue him or her with a formal caution, which will be recorded and may be taken into account if he or she subsequently re-offends.

If charged with an offence, a person may be kept in custody if there is a risk that he or she might fail to appear in court or might interfere with the administration of justice. When no such considerations apply, the person, must be released on or without bail. Where someone is detained after charge, he or she must be brought before a magistrates' court as soon as practicable. This is usually no later than the next working day.

Vocabulary:

bodywork - кузов
councilor - консультант
to give assistance – оказать помощь
undergone - подвергнуться
would-be criminals – потенциальные преступники
to comply – подчиняться
implement – орудие
issue - проблема(выпуск)
summon - вызвать
precede – предшествовать
prosecute - преследовать по суду
indictable - подлежащий уголовному рассмотрению
entitled to - имеющий право на
precedence - предшествование
remedy - средство
subsequently - впоследствии

Text 4.

Police Discipline

The police are not above the law and must act within it. A police officer is an agent of the law of the land and may be hued or prosecuted for any wrongful act

committed in the performance of police duties. Officers are also subject to a disciplinary code designed to deal with abuse of police powers and maintain confidence in police impartiality. If found guilty of breaching the code, an officer can be dismissed from the force.

Members of the public have the right to mate complaints against police officers if they feel that they have been treated unfairly or improperly. In England and Wales the investigation and resolution of complaints is scrutinised by the independent Police Complaints Authority. The Authority must supervise any case involving death or serious injury and has discretion to supervise in any other case. In addition, the Authority reviews chief constables' proposals on whether disciplinary charges should be brought against an officer who has been the subject of a complaint. If the chief constable does not recommend formal disciplinary charges, the Authority may, if it disagrees with the decision, recommend and, if necessary, direct that charges be brought.

The Government aims to ensure that the quality of service provided by police forces in Britain inspires public confidence, and that the police have the active support and involvement of the communities which they serve. The police service is taking effective action to improve performance and standards. All forces in England and Wales have to consult with the communities they serve and develop policing policies to meet community demands They have to be more open and explicit about their operations and the standards of service that they offer.

Virtually all forces have liaison departments designed to develop closer contact between the force and the community. These departments consist of representatives from the policy, local councillors and community groups.

Particular efforts are made to develop relations with young people through greater contact with schools and their pupils.

The Government has repeatedly stated its commitment to improve relations between the police and ethnic minorities. Central guidance recommends that all police officers should receive a thorough training in community and race relations issues. Home Office and police initiatives are designed to tackle racially motivated crime and to ensure that the issue is seen as a priority by the police. Discriminatory behaviour by police officers, either to other officers or to members of the public, is an offence under the Police Discipline Code. All police forces recognise the need to recruit women and members of the ethnic minorities in order to ensure that the police represent the community. Every force has an equal opportunities policy.

From the History of Police Forces

Police is the agency of a community or government that is responsible for maintaining public order and preventing and detecting crime. The basic police mission - preserving order by enforcing rules of conduct or laws - was the same in ancient societies as it is in the contemporary sophisticated urban environments.

The conception of the police force in a protective and law enforcement organization developed from the use of military bodies as guardians of the peace,

such as the Praetorian Guard - bodyguard of the ancient Roman emperors. The Romany achieved a high level of law enforcement, which remained in effect until the decline of the empire and the onset of the Middle Ages.

During the Middle Ages, policing authority was the responsibility of local nobles on their individual estates. Each noble generally appointed an official, known as a constable, to carry out the law. The constable's duties included keeping the peace and arresting and guarding criminals. For many decades constables were unpaid citizens who took turns at the job, which became increasingly burdensome and unpopular. By the mid l6th century, wealthy citizens often resorted to paying deputies to assume their turns as constables; as this practice became widespread, the quality of the constables declined drastically.

Police forces developed throughout the centuries, taking various forms. In France during the 17th century King Louis XIV maintained a small central police organization consisting of some 40 inspectors who, with the help of numerous paid informants, supplied the government with details about the conduct of private individuals. The king could then exercise the kind of justice he saw fit. This system continued during the reigns of Louis XV and Louis XVI. After the French Revolution, two separate police bodies were set up, one to handle ordinary duties and the other to deal with political crimes.

In 1663 the city of London began paying watchmen (generally old men who were unable to find other work) to guard the streets at night. Until the end of the 18th century, the watchmen - as inefficient as they were - along with a few constables, remained the only form of policing in the city.

The inability of watchmen and constables to curb lawlessness, particularly in London, led to a demand for a more effective force to deal with criminals and to protect the population. After much deliberation in Parliament, the British statesman Sir Robert Peel in 1829 established the London Metropolitan Police, which became the world's first modern organized police force.

The force was guided by the concept of crime prevention as a primary police objective; it also embodied the belief that such a force should depend on the consent and cooperation of the public, and the idea that police constable were to be civil and courteous to the people. The Metropolitan Police force was well organized and disciplined and, after an initial period of public skepticism, became the model for other police forces in Great Britain. Several years later the Royal Irish Constabulary was formed, and Australia, India, and Canada soon established similar organizations. Other countries followed, impressed by the success of the plan, until nations throughout the world had adopted police systems based on the British model. The development of the British police system is especially significant because the pattern that emerged had great influence on the style of poking in almost all industrial societies.

In the US, the first full-time organized police departments were formed in New York City in 1845 and shortly thereafter in Boston, not only in response to crime but also to control arrest. The American police adopted many British methods but at times they became involved in local politics. The British police

on the other hand, have traditionally depended on loyalty to the law, rather than to elected public officials, as the source of their authority and independence.

Capital Punishment: History

(1) Capital punishment is a legal infliction of the death penalty, in modern law, corporal punishment in its most severe form. The usual alternative to the death penalty is long-term or life imprisonment.

The earliest historical records contain evidence of capital punishment. It was mentioned in the Code of Hammurabi. The Bible prescribed death as the penalty for more than 30 different crimes, ranging from murder to fornication. The Draconian Code of ancient Greece imposed capital punishment for every offence.

In England, during the reign of William the Conqueror, the death penalty was not used, although the results of interrogation and torture were often fatal. By the end of the 15th century, English law recognized six major crimes: treason, murder, larceny, burglary, rape, and arson. By 1800, more than 200 capital crimes were recognized, and as a result, 1000 or more persons were sentenced to death each year (although most sentences were commuted by royal pardon). In early American colonies the death penalty was commonly authorized for a wide variety of crimes. Blacks, whether slave or free, were threatened with death for many crimes that were punished less severely when committed by whites.

Efforts to abolish the death penalty did not gather momentum until the end of the 18th century. In Europe, a short treatise “On Crimes and Punishments”, by the Italian jurist Cesar Beccaria, inspired influential thinkers such as the french philosopher Voltaire to oppose torture, flogging, and the death penalty.

The abolition of capital punishment in England Ш November 1955 was welcomed by most people with humane and progressive ideas. To them it seemed a departure from feudalist from the pre-Christian spirit of revenge: an eye for an eye and a tooth for a tooth. Many of these people think differently now. Since the abolition of capital punishment crime - and especially murder - has been on increase throughout Britain. Today, therefore, public opinion in Britain has changed People who before, also in Parliament, stated that capital punishment was not a deterrent to murder - for there have always been murders in all countries with or without the law of execution - now feel that killing the assassin is the lesser of the evils. Capital punishment, they think, may not be the ideal answer, but it is better than nothing especially when, as in England, a sentence of life imprisonment only lasts eight or nine.

(2) The fundamental questions raised by the death penalty art whether it is an effective deterrent to violent crime, and whether it is more effective than the alternative of long-term imprisonment.

DEFENDERS of the death penalty insist that because taking an offender's life is a more severe punishment than any prison term, it must be the better deterrent. SUPPORTERS also argue that no adequate deterrent in life imprisonment is

effective for those already serving a life terra who commit murder while being in prison, and for revolutionaries, terrorists, traitors, and spies.

In the early 1970s , some published reports showed that each execution in the US deterred eight or more homicides, but subsequent research has discredited this finding. The current prevailing view among criminologists is that no conclusive evidence exists to show that the death penalty is a more effective deterrent to violent crime than long-term imprisonment.

(3) The classic moral arguments in favor of the death penalty have been biblical and call for retribution "Whosoever sheds man's blood, by man shall his blood be shed" has usually been interpreted as a divine warrant for putting the murderer on death. Let “the punishment fit the crime” is its secular counterpart; both statements imply that the murderer deserves to die. DEFENDERS of capital punishment have also claimed that society has the right to kill in defense of its members, just as the individual may kill in self-defense. The analogy to self-defense, however, is somewhat doubtful, as long as the effectiveness of the death penalty as a deterrent to violent crimes has not been proved.

The chief objection to capital punishment has been that it is always used unfairly in at least three major ways. First, women are rarely sentenced to death and executed, even though 20 per cent of all homicides in recent years have been committed by women. Second, a disproportionate number of non-whites are sentenced to death and executed. Third, poor and friendless defendants, those with inexperienced or court-appointed attorney, are most likely to be sentenced to death and executed. DEFENDERS of the death penalty, however have insisted that, because none of the laws of capital punishment causes sexist, racist, or class bias in its use, these kinds of discrimination are not a sufficient reason for abolishing the death penalty. OPPONENTS have replied that the death penalty can be the result of a mistake in practice and that it is impossible to administer fairly.

Vocabulary:

designed to - разработанный(предназначенный)
confidence - вера(секретность)
impartiality – беспристрастность
scrutinise - тщательно исследовать
discretion – усмотрение
sophisticated - сложный(искушенный)
decline – снижение
estate – состояние
reigns – господство, правление
deliberation – обдумывание
statesman - государственный деятель
a legal infliction - юридическое(законное) наказание
prescribe – предписать
threaten with - угрожать чем-то

abolish - отменить
deterrent - средство устрашения
homicide - убийство
court-appointed attorney - назначенный судом поверенный

Text 5.

Development of the Prison System

A prison is an institution for the confinement of persons convicted of major crimes nr felonies. In the 19th and the 20th centuries, imprisonment replaced corporal punishment, execution, and banishment as the chief means of punching serious offenders.

Historically exile, execution, and various, forms of corporal punishment were the most common penalties for criminal acts.

In the 12th century England jails were widely used as places for the confinement of accused persons until their cases could he tried by the king's court. Imprisonment gradually came to be accepted not only as a device for holding persons awaiting trial but also аз a means of punishing convicted criminals.

During the 16th century a number of houses of correction were established in England and on the continent for the reform of minor offenders. In these institutions there was little segregation by age, sex, or other condition. The main emphasis was on strict discipline and hard labour.

Although reformation of offenders was intended in the houses of correction, the unsanitary conditions and lack of provisions for the welfare of the inmates soon produced widespread agitation for further changes in methods of handling criminals. Solitary confinement of criminals became an ideal among the rationalist reformers of the 18th century, who believed that solitude would help the offender to become penitent and that penitence would result in reformation.

Meanwhile, strenuous opposition to the prolonged isolation of prisoners developed very early, especially in the United States. A competing philosophy of prison management, known as the "silent system" was developed. The main distinguishing feature of the silent system was that prisoners were allowed to work together in the daytime. Silence was strictly enforced at all times, however, and at night the prisoners were confined in individual cells.

Further refinements were developed in Irish prisons in the mid-1800s. Irish inmates progressed through three stages of confinement before they were returned to civilian life. The first portion of the sentence was served in isolation. Then the prisoners were allowed to associate with other inmates in various kinds of work projects. Finally, for six months or more before release, the prisoners were transferred to 'intermediate prisons', where inmates were supervised by unarmed guards and given sufficient freedom and responsibility to permit them to demonstrate their fitness for release. Release was also conditional upon the continued good conduct of the offender, who could be returned to prison if necessary.

These were the steps made to fit the severity of the punishment to the severity of the crime, in the belief that the existence of clearly articulated and just penalties would act as a deterrent to crime. Since then, deterrence, rather than retribution, has become a leading principle of European penology.

Present-day Penal Institutions

Modem prisons are quite diverse, but it is possibly to make some generalisations about them. In all but minimum-security prisons, the task of maintaining physical custody of the prisoners is usually given the highest priority and is likely to dominate all other concerns. Barred cells and locked doors, periodic checking of cells, searches for contraband, and detailed regulation of inmates' movements about the prison are all undertaken to prevent escapes. In order to forestall thievery, drug and alcohol use, violent assault, rapes, and other types of prison crime, the inmates are subjected to rules governing every aspect of life; these do much to give the social structure of the prison its authoritarian character.

The need to maintain security within prisons has prompted many countries to separate their penal institutions into categories of maximum, medium, and minimum security. Convicted offenders are assigned to a particular category on the basis of the seriousness or violent nature of their offence, the length of their sentence, their proneness to escape, and other considerations. Within a prison, the inmates are often clarified into several categories and housed in corresponding cellblocks according to the security risk posed by each individual. Younger offenders arc usually held in separate penal institutions that provide a stronger emphasis on treatment and correction.

Prisons generally succeed in the twin purposes of isolating the criminal from society and punishing him for his crime, but the higher goal of rehabilitation is not as easily attained. An offender's time in prison is usually reduced as a reward for good behaviour and conscientious performance at work. The privilege of receiving visits from family members and friends from the outside world exists in almost all penal systems.

Young Offenders

In Britain, young offenders are held in reformatories, which are designed for the treatment, training and social rehabilitation of youth. School-age delinquents are kept in residential training schools, and young offenders between the ages of 16 and 25 who have been convicted of a criminal act serve in special facilities. The most famous of these is the Borstal Institution.

Women prisoners

Women are usually held in smaller prisons with special programmes and recreational opportunities offered to reflect stereotyped female roles, with emphasis on housekeeping, sewing and typing skills. Women prisoners do not

wear prison uniform and there is a clothing allowance to help pay for clothes while in prison. Some prisons provide mother and baby units, which enable babies to remain with their mothers where that is found to be in the best interests of the child, in addition to the usual visiting arrangement, several prisons allow extended visits to enable women to spend the whole day with their children in an informal atmosphere.

Habitual offenders

Criminals who have frequently been apprehended and convicted, who have manifested a settled practice in crime, and who arc presumed to be a danger to the society in which they live are referred to as habitual offenders. Studies of the yearly intake of prisons, reformatories, and jails in the United States and Europe show that from one-half to two-thirds of those imprisoned have served previous sentenced in the same or in other institutions. The conclusion is that the criminal population is made up largely of those for whom criminal behaviour has become habitual; moreover penal institutions appear to do little to change their basic behaviour patterns.

Though the percentage of recidivists runs high for all offenders, it is greatest among those convicted of such minor charges as vagrancy, drunkenness, prostitution, and disturbing the peace. These are more likely than serious criminal charges to result from an entire way of life. Accordingly, their root causes are rarely susceptible to cure by jailing.

Life-sentence prisoners

Since capital punishment has been abolished in Britain, the severest penalty for the most atrocious crimes, such as murder, is life imprisonment. Those serving life sentences for the murder of police and prison officers, terrorist murders, murder by firearms in the cause of robbery and the sexual or sadistic murder of children are normally detained for at least twenty years. Life sentences for offences other than murder can be reduced up to nine years.

On release, all life-sentence prisoners remain on licence for the rest of their lives and are subject to recall should their behaviour suggest that they might again be a danger to the public.

Murder

In 1952 two youths in Mitcham, London, decided to rob a dairy. They were Christopher Craig, aged 18, and Derek William Benlley, 19. During the robbery they were disturbed by Sydney Miles, a policeman. Craig produced a gun and killed the policeman. Al that time Britain still had the death penalty for certain types of murder, including murder during a robbery. Because Craig was under 18, he was sentenced to life imprisonment. Bently who had never touched the gun, was over 18. He was hanged in 1953. The case was quoted by opponents of capital punishment, which was abolished in 1965.

Assault

In 1976 a drunk walked into a supermarket. When the manager asked him to leave, the drunk assaulted him, knocking out a tooth. A policeman who arrived and tried to stop the fight had his jaw broken. The drunk was fined 10 pounds.

Shop-lifting

In June 1980 Lady Isabel Barnett, a well-known TV personality was convicted of stealing a tin of tuna and a carton of cream, total value 87p, from a small shop. The case was given enormous publicity She was fined 75 pounds and had to pay 200 pounds towards the cost of the case. A few days later she killed herself.

Fraud

This is an example of a civil case rather than a criminal one A man had taken out an insurance policy of 100,000 pounds on his life. The policy was due to expire at 3 o'clock on a certain day. The man was in serious financial difficulties, and at 2.30 on the expire day he consulted his solicitor. He then went out and called a taxi. He asked the driver to make a note of the time, 2.50. He then shot himself. Suicide used not to cancel an insurance policy automatically. The company refused to pay the man's wife, and the courts supported them.

Vocabulary:

confinement – заключение
banishment – изгнание
punching - удары кулаком
segregation - сегрегация
penitence -раскаяние
inmate -заключенный
retribution - возмездие
assault - нападение
delinquent - преступник
enormous - огромный
refuse - отказ

Text 6.

Prison Improvements and Alternatives

In most criminal justice systems the majority of offenders are dealt with by means other than custody — by fines and other financial penalties, by probation or supervision, or by orders to make reparation in some practical form to the community.

Fine

The most common penalty, fine, avoids the disadvantages of many other forms of sentence; it is inexpensive to administer and does not normally have the side effects, such as social stigma and loss of job that may follow imprisonment. However, there are dangers that the imposition of financial penalties may result in more affluent offenders receiving penalties that they can easily discharges while less affluent offenders are placed under burdens that they cannot sustain.

Restitution

Related to the fine is an order to pay restitution (in some countries termed compensation). The principle of restitution is popular in some countries as an alternative to punitive sentencing, but there are some drawbacks. One is the possibility, as in the case of the fine, that the more affluent offender may receive favourable treatment from the court because he is able to pay restitution. The second drawback is that such schemes do not help all victims of crime. Only those who are the victims of crimes for which the offender is caught and convicted and has the funds to pay restitution are likely to be recompensed. Victims of crimes of violence in some countries — such as England and Canada — are entitled to restitution from public funds, whether or not the offender is detected or has the resources necessary to compensate him.

Probation

There are many ways of dealing with offenders that do not involve the payment of money. One is probation, a system that lakes many different forms in different jurisdictions. However, that essentially involves the suspension of sentence on the offender subject to the condition that he is supervised while living in the community by a probation officer and possibly agrees to comply with such other requirements as the court may think appropriate. Usually, if the offender complies with the probation order and commits no further offence while it is in force, no other penalty is imposed. If he breaks the requirement of the order or commits another offence he can be brought back before the court and punished for the original offence as well as for the later one.

Reparation

The concept of reparation has gained in popularity in a number of jurisdictions. Under this method, the offender makes good the damage he has done through his crime, not by paying money but by providing services to the victim directly or indirectly through the community. In England this takes the form of the community service order, under which the court is empowered to order anyone who 15 convicted of an offence that could be punished with imprisonment to perform up to 240 hours of unpaid work for the community, usually over a period of not more than 12 months. The kind of work involved varies according to the area, the time of year, and the abilities of the offender, in some cases it may involve heavy physical labour, but in others it may require such work as the provision of help to handicapped people. If the offender completes the hours of work ordered by the court, he receives no further

penalty, but if he fails to carry out the work without reasonable excuse, he can be re-sentenced for the original offence. This method is less expensive to administer than imprisonment, less damaging to the offender and his family, and more useful to the community. There are some doubts about the extent to which the availability of community service as an alternative to prison weakens the deterrent effect of the criminal law, but there can be no doubt that community service has become an established sentencing alternative.

Tracking Humans: The Electronic Bracelet in the Modern World

Alternatives to incarceration such as the use of fines, community service, and restitution are products of the social movements of the 1960s. The rationalizations of these alternatives have been cost effectiveness, efficiency and humaneness. The same arguments have been associated with the newest community-based sanction, "electronic monitoring". It is clear that such an alternative may yield these benefits.

The electronic monitoring system generally requires the offender to wear an electronic bracelet around his or her ankle or wrist. The monitoring is usually of two types: passive or active. The passive system provides for random telephone monitoring by authorities in order to confirm that it is the specific offender who is present and responding. In contrast, an active system provides continuous information as to whether an individual is within the range, generally 150 to 200 feet, of a transmitter located within their residence. This is commonly referred to as continuous monitoring.

The overriding rationale in favour of electronic monitoring appears to centre on its potential to alleviate both prison overcrowding and the financial burden of incarceration.

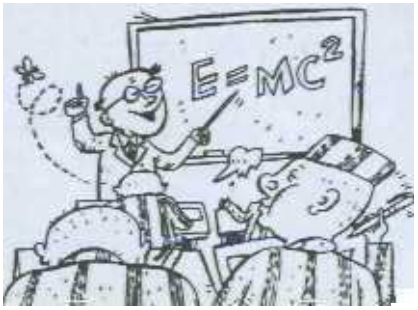
The effects of imprisonment on an individual may be great. It is common knowledge that imprisonment returns a man to society with a scarred psyche, unpaid debts and financial losses, a high1y disruptive if not irreparably broken family, children who lose respect for their parent, no job and a gap in his life history that is hard lo explain when he seeks a new job. In this respect, electronic monitoring allows the offender to remain at home where he or she can continue to hold employment and maintain any dependent children.

Consequently, society may benefit as well, since there will be no additional burden placed on the welfare system, as would be the case if an offender with dependent family members was imprisoned.

Violent crimes committed by electronically monitored offenders are rare. About one out of twenty-five electronically monitored offenders commit crimes, and the vast majority of these new offences are non-violent. Moreover, these figures compare favourably with other monitoring systems, including bail and probation.

Rehabilitation

Preparation for Release



The Prison Services in England and Wales and in Scotland have a duty to prepare prisoners fur release. Planning for safe release begins at the start of an offender's sentence and ties in with all training, education and work experience provided. It is directed at equipping prisoners to fit back into society and to cope with life without re-offending.

Full time education of 15 hours a week is compulsory for young offenders below school leaving age. For older offenders it is voluntary. Some prisoners study for public examinations, including those of the Open University. Physical education is voluntary for adult offenders, but compulsory for young offenders. Practically, all prisons have physical education facilities. Inmates sometimes compete against teams in local community.

Pre-release Programmes

Pre-release programmes enable selected long-term prisoners to spend their last six months before release in certain hostels attached to prisons, to help them re-adapt to society. Hostellers work in the outside community and return to the hostel each evening. Weekend leave allows hostellers to renew ties with their families. All this is designed to help the inmates make the transition from prison to community. In Northern Ireland prisoners serving fixed sentences may have short periods of leave near the end of their sentences and at Christmas. Life-sentence prisoners are given a nine-month pre-release programme, which includes employment outside the prison.

Innovative Programmes

Attempts to aid the prisoner's return to society have led to the development of several innovative programmes. Furloughs provide home visits of 48—72 hours for a prisoner nearing his release date; they are intended to aid in restoring family ties and in job seeking. The work release programme permits inmates to test their work skills and earn money outside the institution for the major part of the day.

Aftercare

Professional social work support is given to offenders following their release to help adjust on their return to society. All young offenders and all adult offenders sentenced to 13 months imprisonment and over are supervised on release by the probation service — or, in the case of certain young offenders, by local authority social services departments. Aftercare programmes are designed to protect public safety by monitoring inmates reintegration into the community while making sure they receive needed treatment and services. Existing aftercare programmes arc effective in reducing juvenile recidivism.

An Ex-Prisoner's Testimony

My reason for testifying publicly about areas of my life where the scars have still not healed is that I would like to help in the search for more satisfactory and more oaring responses to the problems of delinquency.

I come from what is euphemistically known as a working-class background, in other words from the underclass. I was one of seven children, and we were so poor that none of us was able to stay on at school beyond the minimum leaving age. In January 1993 I was arrested, with some of my childhood buddies, for a hold-up committed with a dummy weapon.

Prison came as a brutal shock. The appalling physical conditions made me feel I had stepped back into an age of barbarity. The grim universe within the prison walls not only seemed out of touch with the outside world but to be embedded in a punitive mentality bordering on bestiality. I fell utterly isolated from the prison officers and my fellow inmates. I also felt cut off from myself, and this was not the least of the danger. I was up against I soon learned what life in the jungle is all about. If you want to survive you can't afford to trust another living soul.

You start by withdrawing into a shell. Then, if you don't crack up, you get tougher, carefully concealing your slightest weaknesses. You have to think twice about every move you make. A misplaced word or glance could lead to all sorts of trouble. The pressure was so intense that whatever vague feelings of remorse I might have had gave way to a strong sense of injustice. When you're always on your guard you suffer physical and psychological harm that is impossible to measure. After serving four-and-a-half years of a six-year sentence, I came out broken and bent on revenge.

Reintegration is a term that should be added to the list of empty, meaningless words. Mysteriously, everyone I contacted with a view to a job shied away as if they had been tipped off about me. I wondered for a long time whether life was worth living but loving support from my relatives helped me get back on my feet.

Whatever some people may think, it's never too late to start again. But what a waste! Looking back, I can't help thinking it could have been avoided.

Vocabulary:

fine - штраф
avoid - избегать
disadvantage - недостаток
affluent - приток
burden - бремя
restitution – реституция
drawback - недостаток
receive - получать
recompense – компенсация
probation - испытание
suspension - приостановка

appropriate – соответствующий
requirement - требование
reparation – компенсация
damage – причинять вред
empower - уполномочить
availability - пригодность(готовность)
establish – установить
incarceration - лишение свободы
benefit - выгода
random – случайный
overriding rationale - наиважнейшее объяснение
disruptive – подрывной, разрушающий
irreparably - безнадежно

Text 7.

The Judiciary of England and the Wales.

According to so-called hierarchical structure of the judiciary, in England exists two kinds of courts: the supreme and the lowest though they are served by judges of three categories.

The system of superior courts of England and Wales does not include on the accepted classification chamber of lords and judicial committee of the Privy Council, by virtue of their state of emergency in relation to courts of all United Kingdom. After the introduction of the Great Britain into a composition of the European communities into the English literature new classification has appeared: in system of courts the European court in Luxembourg refers to as the first. The system of inferior courts of England and Wales includes courts of counties and Magistrate courts.

The European court of equity

Strictly speaking, it not the English court. It is not included into system of national English courts. Therefore it is better for considering among "others", instead of the basic courts. At the same time the European court of equity has the defined authorities recognized not only at a level of the European Union, but also within the limits of jurisdiction of the English courts. It speaks that the decision of the questions connected basically with interpretation and application of the right of the European Union for subsequent use of his decisions in practice of national courts is assigned to this court of justice.

The European court of equity distinguishes from the English courts, in particular, that it acts on the basis of principles and procedures of the continental law. The European court of equity accepts active participation in an establishment of true on business, conducts examination during trial and itself defines, what measures should be accepted on business. We shall remind, that the English court gives the parties participating in business, to furnish proofs and legal reasons. The English court true decides the difference between the parties.

The European court of equity is basically the Court of Appellate Jurisdiction.

It is placed in Luxembourg. In the composition of the court all countries which are included in the European Union should be presented. Special officials also take part in his activity - the main lawyers who are appointed countries - participants, but are independent of the governments and parliaments of these countries. Decisions of the European court on questions of interpretation of provisions of legal acts of the European Union are definitive and have the maximum force even in relation to decisions of the House of Lords. Decisions of this court are of great importance for sphere of business and business activity, and also for the decision of a question on the rights of separate persons and citizens.
The decision of the following questions refers to jurisdiction of the European court of equity:
• the resolution of disputes between states - participants or between Eurocommission and the state-participant of the European Community on the questions stipulated by the Agreement about creation of the European Community;
• definition of conformity of acts or omissions of directing bodies of the European Community - the European Advice, Eurocommission, the European Parliament - to provisions of the Agreement. To excite court procedure in the European court of equity on it
To questions directing bodies of the European Community have the right both the country - participant, and;
• consideration of reclaiming petitions from private persons (for example, in case of amercement by Eurocommission for infringement of demands of real laws of the European Community);
• interpretation of the right of the European Community on inquiries of national courts. Such necessity arises, when the national court should apply standard of the European right. However the European court of equity gives only interpretation of standards of the European right, and the decision of an affair in essence remains behind national court;
• preparation of answers to inquiries of the European Advice or Eurocommission about conformity of offers deposited by them to provisions and rules of law of the European Union.

As feature of the European court of equity that in it the main lawyers are presented serves. Formally the status of the main lawyer is equal to the status of the judge of the European court. However legally they have no authority to make of the decree.

According to the rules the European court of equity sits in a composition of seven judges and one main lawyer which can ask participants of session, and later even exhibit the opinion to court in written form. In this document the position of the main lawyer on the given business can be worded, the legal base is defined and offers regarding the future decree are brought. However this opinion is not obligatory for judges. The publication of separate opinion of the judge is not supposed. Execution of decisions of the European court of equity is assigned to national courts of the states which are included in the European Union.

The trial court is organized at the European court justice, but it acts as

independent court. Decrees of the first instance can be appealed in the European court of equity as in court of appellate instance, but only in that part which concerns provisions of the right. In it claims on affairs about limitation of a free competition, about antidumping policy and under labour disputes of employees of the European union are considered in essence.

Applicability of the Trial court - to speed up disposal of legal proceeding in the European court of equity and to allow the last to concentrate on the affairs connected to necessity of interpretation of provisions and rules of law of the European Union.

The House of Lords

The term "House of Lords" is used for the reduced designation of those members of the lower chamber of the English Parliament which competency includes consideration of petitions to decisions and verdicts of courts. The full title of this body - Judicial committee of the House of Lords.

Thus, the House of Lords is the supreme appellate degree of jurisdiction of the English national judiciary (and under civil cases and the Scottish national system. Jurisdiction of the House of Lords is distributed to judiciaries of Scotland and Northern Ireland.

The House of Lords will consist of 13 lords - judges. From them two - representatives of the Scottish case of judges, one exhibits Northern Ireland. All of the lord - judge are appointed from number of the most issued judges of the Court of Appellate Jurisdiction. The acting lord - chancellor and the lord - chancellor enter into a composition of the House of Lords in demission under the position also.

Sessions of Judicial committee of the House of Lords pass in Westminster Palace in a composition as the minimum of three judges. However practice when sessions pass in a composition of five judges is more distributed. Sessions and at the presence of barristers pass discussion of questions in the simple form, without elements of publicity of their performances. It means, that the judge of the House of Lords sit without wigs and cloaks behind a table, the form reminding a horseshoe.

In the House of Lords petitions, both on criminal, and under the civil cases construed in the Court of Appellate Jurisdiction, and in some cases (about them it will be told further) - and from High court get. A great bulk of the petitions acting in the House of Lords, - under civil cases.

So, in 1995 in the House of Lords 67 appeals under civil cases (including 10 - on decisions of the Scottish courts and 1 - on the decree of Northern Ireland) and only 7 petitions on criminal cases (4 petitions have acted after consideration in branch on criminal cases of the Court of Appellate Jurisdiction, and 3 - from branch of Court of the Crown) have been construed.

In connection with the introduction of the Great Britain into the European Union the House of Lords represents itself as the supreme degree of jurisdiction under all civil cases, tried on the basis of standards of the English and Scottish

right. However concerning criminal cases jurisdiction of the House of Lords is distributed only to those criminal cases which have been construed on the basis of standards of the English criminal law.

As against judges of all other courts of the lord - judge of the House of Lords do not endure decisions on affairs. They act with speeches, prove the opinion under this or that matter of law and take part in voting by satisfaction of the petition or about its dismissal.

The House of Lords is mainly appellate instance. As the trial court she acts only in unusual cases. Until recently such possibility was provided for cases when in the House of Lords affairs in the relation "equal" could be considered, i.e. members of the House of Lords. However " the court equal " has been abolished in 1948, and the judicial procedure of the impeachment for the English political system today is represented by archaism. A unique category has put, on which the House of Lords today can represent itself as the trial court, there are the affairs connected to the decision of a question about parliamentary or diplomatic immunity, and possible claims concerning institute of peers.

As well as in any appellate instance, decision-making by the House of Lords needs the majority vote. If voices pro and contra, sent by members of Judicial committee of the House of Lords, will be distributed equally the petition is considered dismissed. Usually it does not happen, as the House of Lords sits at odd quantity of judges. However in practice such situation nevertheless can arise, for example, in case of sudden death of one of members of committee.

Separate opinions of the judges which have stayed at voting in minority, also are subject to the publication and are brought to the notice the public.

Jurisdiction of the House of Lords is defined by that is mainly appellate instance for civil and criminal cases, and in it the following petitions can be considered:

On decisions of the Court of Appellate Jurisdiction (from the admittance of the Court of Appellate Jurisdiction or Appellate committee of members of the House of Lords);

On decisions of High court (from the admittance of the House of Lords and only on those affairs in which necessity to express on questions of the law in force is found out);

On decisions of the Appellate court of Scotland;

On decisions of the Court of Appellate Jurisdiction of Northern Ireland.

Vocabulary:

superior court – суд высшей инстанции
virtue – достоинство
emergency - критическое положение
application - применение
subsequent – последующий
assign – назначить
distinguish from – отличаться от
remind - напоминать
resolution – решение, резолюция

stipulate – предусмотреть
conformity – соответствие
omission – упущение
provision – условие
equity - равенство
amercement – наказание
preparation - подготовка
feature - черта
decree – декрет
exhibit - демонстрировать
obligatory - обязательный
appellate instance - апелляционный случай
antidumping – антидемпинг
competency - компетенция
demission – отставка
horseshoe - подкова
bulk - большая часть
petition – прошение, петиция
civil cases – гражданское дело
dismissal - смещение
impeachment - импичмент
immunity - устойчивость
admittance - доступ

Text 8.

The Supreme Court

The Court of Appellate Jurisdiction and High court since 1873 are considered as the divisions forming the Supreme Court of England and Wales. In 1971. The law on courts enters one more division of the Supreme Court - Court of the Crown which comes in the stead of assizes and the so-called Courts of Petty Sessions. The Court of the Crown is a uniform court. His branches are found on places, but do not refer any more to the category of local courts. The bar of Court of the Crown of the Greater London is known as the Central criminal court, or Old Bailey.

The Supreme Court in England has arisen within the framework of the reform directed on liquidation of dualism of common law courts and the equity law. Other problem of this decision was the cease of functioning of numerous bodies of the resolution of disputes with the extremely confusing and bound competency. It was fixed with the Law on the Supreme Court of 1925. Now activity of the Supreme Court is regulated by the Law on the Supreme Court of 1981 This Law as against the Law of 1925 does not refer to funded, that in effect changes nothing. Laws on the Supreme Court continue to remain an example of the funded legislation with that only a difference, that now they are not limited to questions of the judicial organization, and regulate the processual parties of

delivering justice.

The provision of Court of the Crown in hierarchy of the English courts corresponds to the provision of High court. Therefore, since 1971. The Supreme Court will consist actually of three courts of justice: the Court of Appellate Jurisdiction, High court and Court of the Crown. We shall consider them more in detail.

The Court of Appellate Jurisdiction

This the second and inferior in comparison with the House of Lords an appellate part of the judiciary of England. The Court of Appellate Jurisdiction represents the basic judicial tribunal where it is possible to appeal against decisions of all courts below. The Court of Appellate Jurisdiction will consist of 28 judges. They, perhaps, in the even greater degree, than their colleagues from the House of Lords, influence formation of the right of England. All sessions of the Court of Appellate Jurisdiction pass in premises of a building of the Royal palace of the justice disposed in London on Strand.

In 1966. The Court of Appellate Jurisdiction has organizational been divided into two independent branches: under civil cases and on criminal cases. The Court of Appellate Jurisdiction under civil cases is headed by the Main lord - judge. The title of the chairmanship of the Court of Appellate Jurisdiction on criminal cases bears traces of deep olden time - the keeper of the paper mill.

By tradition which it is difficult to explain proceeding only from common sense, heads of branches of the Court of Appellate Jurisdiction are not members of the House of Lords. Annually in the Court of Appellate Jurisdiction under civil cases it is considered approximately 1700 has put, acting from High court, courts of counties and from the specialized courts. In the Court of Appellate Jurisdiction on criminal cases it is annually considered about 7 thousand has put. For comparison: the House of Lords annually considers no more than 100 has put.
In branch under civil cases petitions to decisions of courts of counties, High court, antimonopoly court, and also an affair from the tribunal under labour disputes and from numerous other tribunals act.

In branch on criminal cases are subject to consideration of the petition to verdicts and other decisions of those courts which act under jurisdiction of Court of the Crown. The Court of Appellate Jurisdiction can support or cancel the decision of the court below.

On occassion process in branch on criminal cases can be initiated by Minister of Internal Affairs or the General attorney (a member of the government, speaking on behalf a name of the Crown in cases). Procedures and the decisions accepted by judges, sitting in branch on criminal cases, a little, than differ because, that occurs in branch under civil cases. However it is necessary to note, that in branch on criminal cases as against branch under civil cases the uniform decision and separate opinions of judges makes are not subject to publicity.

The Court of Appellate Jurisdiction sits in a composition of three judges, less often - two judges, but there can be also five and more judges. Among them is the judge, having a rank of lords. Procedure of disposal of legal proceeding in the

Court of Appellate Jurisdiction is not connected to trial in essence, with research of evidences or with call in session of the court and hearing attesters, experts.

In branch on criminal cases appeals on verdicts of Court of the Crown both under matters of law, and regarding assigned punishment are considered. Until recently the Court of Appellate Jurisdiction could reduce punishment assigned as the trial court only. The law on justice on criminal cases of 1988. To the Court of Appellate Jurisdiction the right in some situations has been granted to review a verdict of the first degree of jurisdiction aside increases in punishment.

The Court of Appellate Jurisdiction also can change the sum of compensation due to the claimant or compensation of harm. If during consideration of materials of an affair presence of the new evidences which were not becoming a subject of consideration of the trial court the Court of Appellate Jurisdiction can direct business on new trial will be found out.

Decisions of the Court of Appellate Jurisdiction are accepted by documents on the basis of acquaintance of judges with the presented parties. Besides judge can listen to explanatories of lawyers and if will consider necessary - and other persons. Decisions of the Court of Appellate Jurisdiction are accepted by the majority vote.

High court

In the organizational plan the High court is a mechanical connection in one establishment of three different courts, or divisions, - Court of a royal bench, Chancellor branch of High court and Branch of High court under family proceedings. At each division of High court the competency and the functions, but they can sometimes coincide. Basically the High court is engaged on disputes on the patrimony, at divorces and maritime affairs.

It is necessary to search for the reasons of so diverse subject competency of High court in a history, to be exact, in the parallelism of the English courts ascending still by XII century. However jurisdiction of High court is subdivided only between his branches, but not between judges. The judge of High court are not divided depending on that branch in which they actually work. They of the judge not the branch, and High court as such.

The high court has been organized according to Laws on the judiciary reform of 1873-1875. Down to 1971 of the judge of High court settled down in London in a building of the Royal palace of justice on Strand. According to tradition, the judge of High court practised conducting exit sessions of the court on places. It were "exit" courts. As a result of judiciary reform Of Generic II behind exit courts the new title - "assizes" was fixed. Assizes formed and developed the common law of England within centuries. The law on courts of 1971 has liquidated assises, but has defined, that sessions of High court also can pass in 45 his branches on all territory of England and Wales. Concrete cities in which bars of High court are placed, are defined by the decision of the lord - chancellor.

The high court can act and as court of the first, and as court appellate instances. If business is considered at session of High court for the first time and in essence, i.e. in the first instance the judge conducts process privately-owned. If

the question is trial of the reclaiming petition on the decision of the magistrate court or Court of the Crown, endured by them regarding the civil action in criminal case business is considered by two or more judges of High court. As it has already noted been, in the organizational relation the High court will consist of three branches, i.e. actually from three independent courts.

Court of a royal bench

Court of a royal bench - the largest branch of High court. In his composition 63 judges. The central building of this court is disposed in London on Strand, and presence are available in 27 country towns. In supplement of session of branch of a royal bench of High court can pass in more numerous courts of counties. The structure of branch of Court of a royal bench includes also some other special judicial divisions - the Admiralty, Commercial court.

The court of a royal bench in comparison with other branches of High court has the widest jurisdiction. It acts as court both under civil cases, and on criminal cases, both as the trial court, and as appellate instance. In the first instance here the most complex and confusing civil cases in jurisdiction of the common law, as a rule, are considered.

Great bulk has put, getting in Court of a royal bench, it is connected to the resolution of disputes under contracts, and also with those situations when the question is the big sums of money. For example, it can be claims from injury owing to accidents on execution, on transport or corresponding civil disputes with participation of issued personalities and known people.

Besides the Court of a royal bench is vested one more important function - judicial supervision. On the basis of these authorities the Court of a royal bench realizes supervision of decisions of other courts, of actions and decisions of officials and controls. So efficient enough mechanism of realization of one of the most important constitutional guarantees of individual rights of citizens - the judicial appeal and protection is provided.

The prerogative order is an obligatory order concerning the court below, the tribunal or other body (for example, concerning local authorities) which have admitted the breach of justice at accomplishment of the authorities. In total it is provided three kinds of prerogative orders (warrants).

Injunction is obligatory for the court below or the judicial tribunal the order of branch of the High court, providing against committing of the defined actions. Injunction is accepted in a situation when there are bases to believe, that this or that court or the judicial tribunal will transcend the jurisdiction. Now injunction can be given in the relation not only adjudgements, but also private persons and the organizations.

Vocabulary:

division – отдел, подразделение
assize - судебное разбирательство
refer – относить(ся)
framework - структура
resolution – решение, резолюция

dispute - спор
bound - связанный
processual parties -стороны(партии), участвующие в деле
inferior – низший
tribunal - трибунал
session – сессия, заседание
dispose - расположить
chairmanship - руководство
attorney - адвокат
accept - принимать
essence - сущность
to reduce punishment – уменьшить(снизить) наказание
assign – назначить
review - обзор
claimant - претендент
consideration - рассмотрение(соображение)
acquaintance - знакомство
establishment - учреждение(влиятельные круги)
coincide – совпасть
patrimony - наследство
ascending - возрастание
liquidated assises- ликвидированные ярусы
lord – chancellor -лорд – канцлер
privately-owned – частный
in supplement of - в приложении
injunction - судебный запрет
adjudgement – решение

Text 9.

United States Penitentiary (Leavenworth, Kansas)

USP Background Information

The United States Penitentiary (USP), Leavenworth is located on 1,583 acres with 22.8 acres inside the penitentiary walls. It is an all-male high security level facility committed to carrying out the judgments of the Federal Courts. It provides a safe, secure and humane environment for those offenders committed to its custody. Like all Bureau facilities, Leavenworth adheres to a balanced philosophy which recognizes that punishment, deterrence and incapacitation are all valid purposes of confinement. Opportunities for positive change are provided through work, education, training and counseling for inmates motivated toward self-improvement.

Within the walls of the penitentiary, there are 5 housing units, 4 of which are located off a central rotunda. All 4 are individual cell-type units designated for close security housing. Three of the housing units are for general population, one for detainees. There is also a special housing unit for inmates confined in administrative detention and disciplinary segregation status.

The USP Leavenworth came into existence through an act of Congress in 1895. Inmates from the military prison at Fort Leavenworth were used in the early construction and were marched two and one-half miles to the site daily, returning each night to the prison at Fort Leavenworth. This continued until February, 1903 when the first 418 inmates to occupy the prison site were moved into what now serves as a laundry building.

In 1906, all of the federal prisoners from Fort Leavenworth were housed in the new institution and the prison at Fort Leavenworth was returned to the War Department. A milestone in the new penitentiaries' construction was reached in 1926 with the final placement of the dome overhead the rotunda - from which the penitentiary derives its famous nickname - "The Big Top."

Programs

Leavenworth provides academic, work and occupational education opportunities to all inmates who wish or who are required to participate in them. It also provides a full range of recreation and leisure time activities.

Education: Leavenworth offers a wide range of education programs from basic literacy and parenting programs to high school ones. The Bureau utilizes the high school equivalency as its literacy standard and inmates failing to meet this standard are required to participate in education programs. In addition, the Education Department offers English as a Second Language and bi-lingual Adult Basic and Secondary Education opportunities.

Recreation: A variety of recreational activities are provided to promote constructive use of leisure time. A diverse combination of competitive, recreational and fitness activities designed to reach as many inmates as possible are offered. Intramural sports include basketball, flag football, softball, and racquetball. Also available are a wide variety of table games.

Health Services: Health Services provides a full range of outpatient and infirmary care to all inmates. There are 26 full-time medical staff members, including 2 Physicians, 2 Dentists, 2 Pharmacists, 9 physician assistants, 2 health information personnel, an administrator, and an assistant administrator. Four hospitals in the local area offer inpatient and outpatient care on a contractual basis.

Psychology: Psychology Services provides a full range of clinical treatment options for inmates housed at the facility. Individual and group formats are utilized to address the diverse and problematic mental health issues experienced by inmates. These treatments include providing remedial services to those with chronic mental health problems, those with situational crises. Psychology Services at the penitentiary offers a variety of drug treatment options. The mission of the psychologists is to foster a sense of trust, responsibility, integrity, and tolerance.

FPC Background Information

The Federal Penitentiary Camp (FPC) is located outside the main USP walls.

This facility opened in 1960 and houses adult male offenders who have been classified as minimum or low security. The FPC, Leavenworth has 6 dormitories, two dormitories with enclosed rooms. Educational courses such as Adult Basic Education, English as a Second Language, and Computer Classes are available at the Camp.

Psychology: A variety of drug treatment options are offered to inmates housed at the Camp. One of the programs is a nine month intensive treatment program that requires inmates to participate in daily treatment activities. Upon completion of this intensive phase, inmates begin 12 months of individual work with the psychologist.

History of the USP

Early History: In the first session of the Fifty-fourth Congress a bill was passed authorizing the construction of the United Slates Penitentiary at Leavenworth, Kansas. A tract of land comprising some 505 acres on the southwestern edge of the Fort Leavenworth reservation was set aside for the use of the new institution.

The old military prison at the Fort was turned over to J. W. French, the first Warden of Leavenworth, and in March of 1897 construction of the new prison was begun.

The New Penitentiary: The New Penitentiary was to be a marvel of custodial architecture. Mr. William S. Eames, drew up the plans. Power plant, hospital, and even, for the first time in history, a school were to be inside the walled area.

Construction was under the supervision of Mr. F. E. Hines. The early slowness was due largely to the fact that all possible work was to be done by convict labor and these men were not trained construction help. A sawmill, brick plant and a stone quarry had to be built to obtain materials for construction. A fence had to be built around the entire area so that proper custody could be maintained.

There were many incidents during those early years. Not everyone, understandably, cared to wait around until he had finished his time and escapes and attempted escapes were numerous.

Escapes: One of the most serious escapes recorded in these early years was the mass breakout of June 1, 1898. Seventeen prisoners, led by a badlands bad man named William Pierce, were walking on the construction site when they suddenly attacked Guards Ernest and Dully. They were able to get the guards' guns and to train them on Guard King in the sentry box. Unable to shoot from fear of hitting his fellow guards, King threw down his weapons and the prisoners marched blithely out info the "free world." All but the leader were recaptured quickly, and he was apprehended in July of 1903 and returned to a much stronger Penitentiary.

The Rule Book: The rule book issued to guards and convicts in 1899, shows that the working conditions were almost as stringent for the guards as for the prisoners. Employees could not smoke within the prison except in the guard room and were forbidden to talk to each other except in the performance of their duties. Naturally, they were forbidden to talk to prisoners except to give orders or answer requests relating directly to the work at hand.

By February, 1903, sufficient work had been done to allow 418 men to move into the laundry building, which had been converted into a dormitory. From that day the long marches from the fort to the New Prison ended, though it was not until 1906 that all the prisoners were safely inside the walls and the Old Prison turned back to the army.

U.S. Identification Center

In 1904 the newspapers of the country had carried stories of a new weapon in the fight against crime. If was a method of identification called fingerprinting.

The founder was McClaughry. McClaughry was busy learning the rudiments of fingerprinting from Scolland Yard's foremost fingerprint expert, Mr. Kenneth Ferrier. On October 1, 1905, he began taking fingerprints of all the prisoners and all the newly arrived men. Prints were also forwarded to him from all over the country by interested police departments and for some time, the prison at Leavenworth was the Identification Center of the United States.

The Great American Sport

The "Great American Sport" invaded the prison and the first baseball game was played on the East Yard, May 22, 1912. It is easy to imagine that the weekly opportunity to see a baseball game was heartily welcomed by the prisoners. One can better understand what a treat this was when he realizes that the rules in those days forbade talking between prisoners. Guards were not allowed to inform prisoners what was going on outside nor were they permitted to engage in conversation with prisoners.

Change in Penology

In 1913, Warden Thos. Morgan succeeded Warden McClaughry. Warden Morgan instituted a significant change in the philosophy of penology at Leavenworth and was much welcomed by the inmate body. He began to recognize a need to do something more positive than give a man permission to have a Bible to his cell and wait upon his conscience and study of the scripture to reform him. The bitter and sullen demeanor of ex-convicts in general was realized to be due, at least partly, not merely from the punishment but from the lack of communication with his fellow man. Warden Morgan was one of those who subscribed to the concept of allowing the prisoners as much freedom within the prison as was consonant with security and good order.

Federal Prison System

1930 was the year that the entire Federal Prison System was organized. Under the reorganization law that became effective on May 14, 1930.

The parole system was also reorganized that year. In 1930, Warden White got together with twenty-five officers and they founded the USP Officers' and Employees' Club. It took them some years to get the Clubhouse built, but once it was finished it was an immediate success. During the early thirties the institution orchestra played at dances at most every week at the clubhouse. This was an excellent orchestra and despite the obvious custody hazard, no one ever used the orchestra as a means to escape.

Leavenworth Penitentiary

Today USP Leavenworth is a maximum security prison housing 1,721 men. For the most part these men have previous criminal records and have long sentences for crimes of violence.

Despite this rather bleak picture, the inmates of Leavenworth have demonstrated many times their willingness to improve themselves and to help others. After the terrorist attack of September 11, 2001, the inmates immediately raised and collected a donation for the Relief Fund. Many have completed their education and vocational training programs. As in any community of nearly 2,000 citizens, there are always hundreds of jobs.

Vocabulary:

- Penitentiary – (исправительная) каторжная тюрьма (ИТК)
- facility - средство(ссуда)
- environment – окружение, обстановка
- deterrence - сдерживание
- incapacitation - выведение из строя
- confinement - заключение
- self-improvement - самоусовершенствование
- segregation - сегрегация
- opportunity - возможность
- recreation - отдых
- equivalency - эквивалентность
- infirmary - больница
- outpatient - амбулаторный больной
- treatment - обработка(лечение)
- tolerance - терпимость
- breakout – побег, резкое изменение цен на бумаги
- recaptured - возвращенный
- dormitory - спальня
- scripture -священное писание
- custody hazard - опасность заключения

Text 10.

Courts of Counties

These are territorial courts which have been created in England in 1846. In total them it is totaled about 270. Introduction of courts of counties was the answer to oversights of system of the civil court procedure developed in England to the middle of XIX century. Exclusive dearness, significant inconveniences for the parties and redundant centralization did justice practically inaccessible for the majority of the population of the country. Due to introduction of courts of counties the modern court system under civil cases became cheaper, justice has come nearer to the population. The territorial court became quite accessible and mass remedy of the resolution of conflicts and disputes. Thus, courts of counties should be considered as a certain alternative to High court.

Courts of counties have only civil-law jurisdiction and can practically consider any civil-law disputes in territory subordinated to them. The territorial organization of courts of counties provides their availability to the population of all enough large cities and settlements of England.

Activity of courts of counties is regulated by the law on courts of counties of 1984. Since 1981 the following categories refer to competency of courts of counties has put:

- The disputes arising from contracts and under tort liabilities in which

the sum of damage does not exceed 5 thousand $;

- . Disputes on the real estate which brings up to 1 thousand $;
- On the affairs referred to the equity law (for example, the direct trust, the deposit, execution in a nature) when the amount in controversy does not exceed 30 thousand $;
- . Disputes on destiny of the land lots in cost up to 30 thousand $.;
- . About compensation for rescuing on the sea of asset, which cost does not exceed 15 thousand $;
- . The disputes connected to penalty of any other sums of money if the agreement concluded by the parties, provides transfer of dispute in case of his rise in the county court and the conclusion of such agreement does not contradict the law in force;
- . Family disputes;
- Disputes under last wills about the real estate if cost of the inherited ground does not exceed 30 thousand $;
- The various affairs arising on the basis of the statute law, for example, according to provisions of the Law on the consumer credit of 1974 - without limitations;
- Affairs about bankruptcies and liquidations of the companies, and also on maritime affairs;
- . Affairs about discrimination on racial ground;
- The affairs concerning the minor sums of claim claims.

Besides in courts of counties are subject to consideration of an affair about contracts and under obligations of their application of harm with the sum of damage of 25 thousand $. The item and more should be considered, as a rule, in High court. However, taking into account pecuniary aspects of an affair, or certain public interests, his complexity or necessity of adoption of the fast decision, business with the claim for the sum up to 25 thousand $. It can be accepted an item to consideration and in High court.

Magistrates or world courts

The modern magistrate court has arisen in England in XIV century. In the development it is body of the judicial authority has undergone many changes. So, in XV century for consideration most grave crimes world the judge of counties four times one year began to gather on the sessions. In result such kind of global refereeing, as court «quarter sessions» is formed. Affairs which were not subject to consideration on court «quarter sessions», were considered by global judges by way of summary procedure. These courts have received the title "Courts of Petty Sessions".

Activity of the modern magistrate court is regulated by the Law on magistrate courts of 1980. Magistrate courts are courts of the lowest link. They are most democratic, are the most mass courts of justice of the judiciary of England. The data of official judicial statistics testify: annually in magistrate courts 95-98 % of all cases registered in the country are considered. In total in England and Wales than 30 thousand judges - magistrates is totaled more. They sit in more than 400 branches of

the magistrate court.

It is necessary to note, that magistrate courts are only other title of the world courts acting in legal systems of Europe.

Jurisdiction of the magistrate court is extensive enough. According to jurisdiction of cases in point the magistrate court has double jurisdiction, i.e. can realize justice, both on criminal, and under civil cases.

Criminal - legal jurisdiction of the magistrate court. As a rule, a great bulk has put, acting in magistrate courts, is most the short causes referred to their competency. In most cases it is administrative violations and fine criminal offences, basically connected with infringement of rules of traffic.

Competency of the magistrate court includes the decision of the following questions:

- the admittance has put summary procedure, i.e. criminal cases on all insignificant offences;
- trial on them is conducted without participation of jurymen;
- execution on indictment and consideration of questions on arrest in connection with committing of crimes which investigation is conducted not by way of summary procedure, and trial should be in Court of the Crown with participation of jurymen;
- affairs about crimes, trial on which is supposed as by way of the full judicial procedure (i.e. with jurymen) in Court of the Crown, and by way of summary procedure, i.e. without jurymen in the magistrate court.

The maximal penal term which can be assigned as a verdict of the magistrate court on criminal case of summary procedure, cannot exceed six months of deprivation of liberty and (or) the penalty in size up to 5 thousand $ can be assigned. Magistrates also can define at own discretion, that convicted is obliged to repay to the injured party whom

Civil-law jurisdiction of the magistrate court. As a rule, to conducting magistrates consideration of a various sort is referred has put on questions of licensing, the taxation and collectings; affairs about penalty of debts on income tax, on insurance and municipal services, and also the resolution of disputes, following from the family law (adoption, maintenance obligations, the status of the marital partners living separately, guardianship of minors). Disposal of legal proceeding about the responsibility for fine administrative violations is possible.

Special version of the magistrate court - the juvenile court. It considers affairs about offences of adolescents in the age of till 17 years. In a composition of such court should be without fail not less than three judges, including one Judge -woman. As against "adult" courts open processes in this court are not supposed. The juvenile court is limited in application of severe punishments, but the measures which have been not connected to deprivation of liberty and punishment under criminal law, for example transfer under supervision of local authorities, parents, purpose of a trial period have the right to appoint.

So, magistrates are group of nonprofessionals most vested the rights from justice. They use the special status and authorities. It is necessary to search for roots of this phenomenon in a history of the magistracy in Europe. The magistrate court

goes back to those times when the banc has completely consisted of representatives of local aristocracy. Therefore the magistrate court is a court without jurymen.

Courts of special jurisdiction.

The appellate tribunal under labour disputes. His competency and authorities, and also functions and procedures are defined by special Rules of the Appellate tribunal under labour disputes of 1980. Formation of this court of justice in supplement to already existing degrees of jurisdiction has been called by sharp increase last decades numbers of labour disputes, is especial on the questions concerning unlawful discharges from work and discrimination of workers and employees. For consideration of these has put the special bodies which are not included in system of the English courts, - tribunals (industrial tribunals all over again have appeared) began to be created. It is necessary to note, that tribunals represent bodies of administrative justice. More in detail we construe them further. Here we shall emphasize, that professional the judge in activity of tribunals are only involved, but play, it is possible to tell, " not on the field ".

Crown's courts. Strictly speaking, it also not court, and special body which functions include conducting official preliminary check of corresponding circumstances. Therefore Crown's courts are created as required. Coroners as against judges are appointed from among skilled barristers, solicitors or the doctors having the 5-years experience of work. Activity of coroners is regulated by the special law about coroners of 1988.

Duties of the coroner include conducting official check of the facts in case of approach not illegal, but also not natural death of the person. In particular, such check necessarily should be conducted at all accidents with a mortal outcome, and also at finding signs of violent, sudden, suspicious or inexplicable ("mysterious") death, at approach of death convicted, finding in prison, or detained or taken under the guard in premise of police (for example, all this cases of suicides of arrested persons and arrested persons).

The coroner, investigating such cases, is obliged to establish the reason and circumstances of death. For this purpose it has the right to appoint pathoanatomical examination of a corpse, to investigate circumstances and the fact of death, to conduct exhumation of a corpse if the burial place is found within the limits of territory served by him.

Besides the coroner conducts special investigation in case of reception of application for finding a treasure. It ca be the hidden silver either golden coins or utensils, and also gold and silver in ingots which holder is unknown are considered. If the specified subjects do not contain the defined quantity of silver or gold they кладом are not. Nominally according to the right of England all treasures, detected within the limits of its territory, belong to the Crown.

Court on affairs about a forbidden trade turnover. This specialized court of justice has been organized in 1956 for disposal of legal proceeding about infringements of the antimonopoly law in sphere of trade. In the composition of the court five judges of High court. To make of the decision him 10 lay judges specially assigned by the lord - chancellor help from among the qualified and skilled experts

well understanding in affairs of business, trade and public management. Affairs are considered in a composition of one judge and two lay judges. If the question is only legal problems all business is considered by the judge privately-owned.

The court on affairs about forbidden trade practice is an independent court, instead of a part of High court. It has the same status, as High court.

Vocabulary:

- oversight – оплошность, надзор
- dearness - нежность
- redundant - избыточный
- inaccessible - недоступный
- liability – ответственность, склонность
- consideration - рассмотрение(соображение)
- undergone - подвергаться
- grave crimes – тяжкие преступления
- summary procedure – упрощенное судопроизводство
- extensive - обширный
- infringement - нарушение
- admittance - доступ
- indictment - обвинительный акт
- penal term – срок наказания
- repay - возместить
- taxation - налогообложение
- income tax – подоходный налог
- insurance - страховка
- fail – потерпеть неудачу; неудача
- deprivation - лишение
- representative - представитель
- employee - служащий
- undergone - подвергаться

Content:

Text 1. 3
Text 2. 7
Text 3. 11
Text 4. 14
Text 5. 19
Text 6. 22
Text 7. 27
Text 8. 31
Text 9. 35
Text 10. 39

Сборник текстов для внеаудиторного чтения

для курсантов 3го семестра

АНГЛИЙСКИЙ ЯЗЫК

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